

Appin No. 10/760203
Amdt. Dated: October 11, 2006
Response to Office Action of August 1, 2006

4

REMARKS/ARGUMENTS

In response to the Examiner's further Office Action of August 1, 2006 in the present RCE application, the Applicant respectfully submits the accompanying Amendment to the claims and the below Remarks.

Regarding Amendment

In the Amendment:

independent claim 1 is further amended to clarify that the inkjet cartridge has an ink refill port for receiving an ink refill cartridge and that the latch and resilient member are configured to enable refilling of the inkjet cartridge to take place on the cradle via this ink refill port. Support for this amendment can be found, for example, page 23, lines 3-8 and page 25, line 13-page 27, line 5 of the present specification; and dependent claims 2 and 3 are unchanged.

It is respectfully submitted that the above amendments do not add new matter to the present application.

Regarding 35 USC 103(a) Rejections

It is respectfully submitted that the subject matter of amended independent claim 1, and claims 2 and 3 dependent therefrom, is not taught or suggested by Silverbrook in view of newly cited Carrese et al. (US 6,390,615), for at least the following reasons.

In the present Office Action, the Examiner uses Carrese to purportedly provide a latch and resilient members for retaining the inkjet cartridge disclosed by Silverbrook to the "cradle support structure" of Carrese. The Examiner does not find disclosure in Carrese of such a latch and resilient members being configured to enable refilling of the inkjet cartridge whilst retained, as is required by pending independent claim 1. However, the Examiner asserts that the language of this limitation in claim 1 is functional language.

The Applicant respectfully notes that this limitation was added to claim 1 in the Applicant's Reply filed May 31, 2005 and that in the subsequent final Office Action of August 5, 2006 the Examiner duly considered the language of this limitation as not being mere functional language based on the Examiner's withdrawal of the combination of Silverbrook and Bailey (over which the limitation was added) and citation of the new combination of Silverbrook and Lee, where Lee was cited as disclosing an arrangement that "enables the injector to refill the cartridge".

Accordingly, the Applicant respectfully requests the Examiner to maintain a consistent interpretation of the claimed invention throughout the prosecution of the present application so that the Applicant is able to suitably reply to the Examiner's rejections.

Having said this, in order to expedite the prosecution of the present application, the Applicant has further amended independent claim 1, as discussed above, so as to clarify that the latch 7 and springs 190 of the cradle 4 are configured to allow access to the ink refill port 8 of the print cartridge 6 for positioning of the ink refill cartridges 160 whilst the print cartridge is retained by the cradle (see page 23, lines 3-8 and page 25, line 13-page 27, line 5 and Figs. 1 and 40-42 of the present application).

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5

Thus, as Carrese does not teach or suggest providing the ink tanks 200 with ink refill ports which are accessible when the ink tanks are latched to the ink tank support structure 100 using latch mechanism 132 (see col. 5, lines 29-65 of Carrese), then one of ordinary skill in the art would not have been motivated to configure the latch mechanism of the Examiner's combined apparatus of Silverbrook and Carrese in the manner specified by amended independent claim 1.

Therefore, it is respectfully submitted that the subject matter of amended claim 1, and claims 2 and 3 dependent therefrom, is not taught or suggested by Silverbrook or Carrese either taken alone or in combination.

Further, Pages 1 and 2 of the specification have been amended to update the list of co-pending applications with USPTO grant numbers.

It is respectfully submitted that the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

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